

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 12

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2005

INTRODUCED BY

Stuart Ingle

AN ACT

**RELATING TO GOVERNMENTAL CONDUCT; PROHIBITING CONTRIBUTIONS AND
OTHER EXCHANGES OF THINGS OF VALUE BETWEEN PUBLIC OFFICERS OR
EMPLOYEES, CANDIDATES FOR STATE OFFICE AND CERTAIN PARTIES
INVOLVED IN THE INVESTMENT OF PUBLIC FUNDS; PROVIDING FOR
PENALTIES.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. PUBLIC OFFICERS AND EMPLOYEES-- PROHIBITED
ACTS-- PENALTIES. --**

A. For the purposes of this section:

(1) "anything of value" does not include:

**(a) the cost of refreshments totaling no
more than twenty-five dollars (\$25.00) a day or refreshments at
a public reception or other public social function that are
available to all guests equally; or**

underscored material = new
[bracketed material] = del ete

1 (b) things of value a person is
2 otherwise legally entitled to receive;

3 (2) "investment agent" means a person that
4 receives, or the person's officers, employees or agents that
5 receive, compensation for providing financial services
6 involving public money or that invest or provide advice on the
7 investment of public money;

8 (3) "person" means an individual, corporation,
9 firm, partnership, association, joint venture or similar legal
10 entity; and

11 (4) "state agent" means:

12 (a) a person acting in an official
13 capacity and who is the governor, lieutenant governor, state
14 treasurer, state auditor, secretary of state, attorney general,
15 commissioner of public lands or a state legislator;

16 (b) a person acting in an official
17 capacity that has authority over the investment of public funds
18 or issuance of bonds or the authority to appoint public
19 officers having that authority and that has been elected to,
20 appointed to or hired by any state office and who receives
21 compensation in the form of a salary or is eligible for per
22 diem and mileage; or

23 (c) a person acting in an official
24 capacity that is an agent of an office created by state law
25 that invests public funds or issues bonds the revenue of which

1 is used for public projects in the state.

2 B. It is unlawful for a state agent or a candidate
3 who seeks election to the office of a state agent or anyone who
4 solicits funds on the candidate's behalf to knowingly solicit
5 or accept, directly or indirectly, anything of value from an
6 investment agent doing business with a state agent.

7 C. It is unlawful for an investment agent doing
8 business with a state agent to directly or indirectly donate or
9 contribute anything of value to:

10 (1) a candidate for an office of a state agent
11 or the candidate's campaign; or

12 (2) a state agent directly or indirectly
13 involved in the investment of public funds or the issuance of
14 bonds the revenue of which is used for public projects in the
15 state.

16 D. An investment agent that has contributed
17 anything of value to, has solicited any person or political
18 action committee to make a contribution to or has coordinated
19 any contribution to a candidate for an office of a state agent
20 that has authority over the investment of public funds or
21 issuance of bonds or the authority to appoint public officers
22 having that authority shall not be allowed to conduct business
23 involving the investment of public funds or issuance of bonds
24 for a state agent with the state or its political subdivisions
25 for two years following the election of that candidate.

underscored material = new
[bracketed material] = delete

1 E. It is unlawful for a state agent to solicit any
2 investment agent to:

3 (1) appoint a person to a position of
4 employment; or

5 (2) hire a person on contract in any capacity.

6 F. A person that knowingly violates a provision of
7 this section is guilty of a fourth degree felony and shall be
8 punished by a fine of not more than ten thousand dollars
9 (\$10,000) or by imprisonment for a definite term not to exceed
10 eighteen months or both. Nothing in this section shall
11 preclude criminal or civil prosecution for violations of other
12 provisions of law set forth in the constitution of New Mexico
13 or by statute.

14 G. The state or any political subdivision of the
15 state shall not contract for any financial services with an
16 investment agent that is found guilty of violating a provision
17 of this section for a period of five years from the date of
18 conviction.

19 H. A person who is convicted of violating a
20 provision of this section is disqualified from employment by
21 the state or any of its political subdivisions.